

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TYREE NEAL, )  
Plaintiff, )  
v. )  
SOUTHERN ILLINOIS MOTOR )  
EXPRESS, INC., )  
Defendant. )

Civil Case No. 15-cv-01412-JPG-PMF

**REPORT AND RECOMMENDATION**

**FRAZIER, Magistrate Judge:**

Before the Court is defendant Southern Illinois Motor Xpress Inc.'s motion to strike (Doc. No. 10). The motion targets portions of the Complaint on the basis that the allegations seek a remedy that is not available under claims asserting violations of the Illinois Human Rights Act. A response was due by February 8, 2015. A response on is not on file. The absence of a response permits an inference that the motion to strike has merit. SDIL-LR 7.1(g).

The Court may order stricken from any pleading any insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. Fed. R. Civ. P. 12(f). Generally, motions to strike are disfavored; they are appropriate to remove unnecessary clutter from litigation. *Heller Financial Inc. v. Midwhey Powder Co.*, 883 F.2d 1286, 1294 (7th Cir. 1989).

On review of the Complaint, the Court is satisfied that portions of Counts 4, 5, and 6 should be removed as unnecessary clutter. Paragraphs 50, 56, and 63 should be stricken as seeking relief (punitive damages) which is not available to remedy claims brought under the Illinois Human Rights Act. *Crittenden v. Cook County Comm'n of Human Rights*, 990 N.E.2d 1161, 1167 (Ill. 2013).

IT IS RECOMMENDED that the motion (Doc. No. 10) be GRANTED. Paragraphs 50, 56, and 63 should be stricken from the Complaint, along with corresponding prayers for punitive damages in Counts 4, 5, and 6.

**SUBMITTED: March 2, 2016.**

s/Philip M. Frazier  
**PHILIP M. FRAZIER**  
**UNITED STATES MAGISTRATE JUDGE**